REMARKS

<u>Overview of the Office Action</u>

Claims 1-15 have been rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,188,328 to Ho ("Ho").

<u>Status of the claims</u>

Claims 1, 5, 9, and 11 have been amended

Claims 1-15 remain pending.

<u>Rejection of claims 1-15 under 35 U.S.C. § 102(b)</u>

The Office Action states that Ho teaches all of Applicants' recited elements.

Independent claim 1 has been amended to recite a method for transmitting parking-related data to a user in a parking fee system in which the user with a mobile station records parking data when parking commences into a parking fee register of the parking fee system. The method includes retrieving, on the basis of the parking data from the parking fee register of the parking fee system, application data that includes at least a tariff and an expiration time of the parking if the expiration time has been defined. The method further includes sending the application data from the parking fee register to the mobile station of the user, and activating an application utilizing the application data in the mobile station of the user to utilize the tariff to calculate an accrued parking fee, and to display on a display of the mobile station during ongoing parking in real time at least a sum of the accrued parking fee to be charged after the parking is concluded and the remaining parking time, if the expiration time has been defined.

Ho fails to teach or suggest, at the very least, "activating an application utilizing the application data in the mobile station of the user to utilize the tariff to calculate an accrued parking fee and to display on a display of the mobile station during ongoing parking in real time at least a sum of the accrued parking fee to be charged after the parking is concluded and remaining parking time, if the expiration time has been defined", as recited in Applicants' amended independent claim 1.

Applicants' recited invention provides a mobile station carried by a user (i.e., the owner or operator of a parked car) that receives application data which controls an application in the mobile station to utilize the tariff included in the application data to indicate to the user in real time, during ongoing parking, the calculated accrued parking fee that will be charged to the user when parking is concluded. The user can, at any moment, see the up-to-date parking fee that will later be charged. The user then has the option of leaving the vehicle parked, or concluding the parking if the accrued parking fee is deemed to be too great.

In contrast, Ho teaches a parking meter device that is devoted to a particular parked vehicle and is intended to remain within the parked vehicle. The device includes a housing unit that has an LED that, when in use, is visible from outside the vehicle. The device of Ho further includes a two-way radio circuit, a display, and a keyboard as well as a computer. In operation, a user communicates, using the keyboard of Ho, with a remote central parking service provider via radio data network channels to demand a predetermined parking period. The parking service provider checks the authenticity of the demand and approves the parking request. During lawful, paid for, parking the LED remains ON so that a patrolling parking attendant can easily monitor that parking approval for that vehicle has been granted and remains valid. There is no ongoing communication with the owner/operator of the vehicle who has parked the vehicle, unless that

person were to remain within the vehicle while it is parked. Neither, even then, would that person be provided with any information as to the dynamically updated parking fee.

Ho simply teaches a parking system in which the driver pre-pays for parking, in advance, with the parking meter. The driver leaves the parking meter in the vehicle for viewing access by a parking attendant at the location of the parked vehicle who can thereby ensure that the parking fee has been paid, and that the pre-paid parking time limit has not been exceeded based on information that can be viewed on the vehicle-contained parking meter visible from outside of the vehicle (see col. 3, lines 31-37 of Ho).

In Ho, there is no need (or capability) for the user to receive real time information during ongoing parking about the accrued parking fee because the user has already pre-paid for a fixed period of parking, unlike in Applicants' recited invention in which a tariff-based parking fee is continuously updated and is not fixed or determined until the user returns to the vehicle and terminates the parking of the vehicle.

The Examiner cites col. 3, lines 1-19 and lines 46-59 of Ho as allegedly teaching activation of an application in the mobile station to offer the user a chance to keep track in real time of the sum of the accrued parking fee. Applicants submit that the cited passages have been misinterpreted.

The passages cited at col. 3, lines 1-19 of Ho recite that "the device is used when parking a vehicle by the user selecting a suitable parking bay and using the keyboard to communicate with the parking service provider...the user identifies himself (or is identified by the signals that his device transmits) and the parking bay or zone, and requests a parking period required...The parking service provider checks the identity and payment arrangements (the user may have a pre-paid card or have a current credit and billing arrangement) and whether the parking period is

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available and/or allowed...A parking approval is communicated to the user's device and is displayed on the screen and the LED is turned ON."

The "device", in this case, is the unit that remains in/with the vehicle to keep track of whether, and for how long, parking of the vehicle has been authorized and pre-paid. Nothing is taught or suggested in the cited passages of Ho regarding "activating an application utilizing the application data in the mobile station of the user to utilize the tariff to calculate an accrued parking fee and to display on a display of the mobile station during ongoing parking in real time at least a sum of the accrued parking fee to be charged after the parking is concluded and remaining parking time, if the expiration time has been defined", as recited in Applicants' amended independent claim 1. Ho only teaches lighting an LED for so long as the pre-paid parking period is valid.

The passages cited at col. 3, lines 46-59 of Ho recite, "In some situations it may be necessary to visibly indicate that the device is being used in the actual parking bay or zone for which the approval has been obtained from the parking service provider. In that case, the screen may be controlled to display a specific bay or zone (e.g. SF A 47). This is to indicate to the patrolling parking attendant in this case that the parking approval has been given for "San Francisco"--"Zone A"--and that "47" minutes remain of the parking period approved. The minutes can be counted down, as time passes, and the LED will remain ON for the remaining period."

Here, again, the "device" of Ho is the unit that stays in/with the vehicle, and the user (owner/user of the parked vehicle) cannot remotely view in real time the remaining parking time. Further, the device of Ho does not calculate the parking fees accrued because the parking fee was a fixed, pre-paid amount. Hence, the user of the device of Ho knows what he paid (i.e., a fixed

fee), but does not know in real time how much parking time remains. With the device taught by Ho, when the pre-paid parking time elapses, the permitted parking period ends. In contrast, with Applicants' recited invention, the parking period need not expire or become invalid. Because Applicants' invention allows the user to view in real time the dynamically/changing parking fees that have accrued, the user has the luxury of deciding when to return to the vehicle and pay the accumulated parking fees and terminate the parking arrangement. Nothing is taught or suggested in these cited passages of Ho with respect to "activating an application utilizing the application data in the mobile station of the user to utilize the tariff to calculate an accrued parking fee and to display on a display of the mobile station during ongoing parking in real time at least a sum of the accrued parking fee to be charged after the parking is concluded and remaining parking time, if the expiration time has been defined", as recited in Applicants' amended independent claim 1.

In response to Applicants' previous arguments, the Examiner argues that the user could be the parking service provider or the person who parks his vehicle. This interpretation makes no sense in view of the purpose of Applicants' recited invention, which is to allow the user of the vehicle to keep track of the fees that must be paid for parking the vehicle. The parking service provider would not be concerned with keeping track of the parking fees accrued by the vehicle user, other than at the time of payment. Further, with the device of Ho, the user and the parking service provider both know what the parking fees are because they have been pre-paid by the vehicle user. Moreover, even if the user is incorrectly interpreted to include the parking service provider, the device of Ho still does not teach or suggest "activating an application utilizing the application data in the mobile station of the user to utilize the tariff to calculate an accrued parking fee and to display on a display of the mobile station during ongoing parking in real time at least a sum of the accrued parking fee to be charged after the parking is concluded and

remaining parking time", as recited in Applicants' amended independent claim 1. As noted above, the device of Ho merely displays a lit LED for as long as the parking period remains valid, and/or a location and remaining parking time. The device of Ho does not teach or suggest calculating an accrued parking fee and displaying on a display of the mobile station during ongoing parking in real time at least a sum of the accrued parking fee to be charged after the parking is concluded, as recited in Applicants' amended independent claim 1.

The Examiner further asserts that Ho teaches that the user can receive the data from the portable device mounted in the vehicle or can receive data via radio network channels on his mobile or land telephone. The Examiner also asserts that the device of Ho keeps track of the approved parking period based on the account of credit the user has, which can be a pre-paid payment card or a current credit and billing arrangement, and sends a signal to the user on his mobile or land telephone if the parking period is about to expire. The Examiner asserts that this is inherently an indication of the fees that the user has so far accrued that will be charged to his account, and that the fee is based on utilizing the tariff and that during ongoing parking the user can keep track in real time of how much parking time is remaining and inherently realize how much fee he will be charged. Applicants submit that the configuration and functioning of Ho is nothing like Applicants' recited invention, and that Ho has been misinterpreted.

As previously described, Ho provides a system where a fixed fee is paid to obtain a valid parking period. The device of Ho may display the time left in that valid parking period, but does not calculate or display an accrued parking fee, because no fee "accrues" since it has been pre-paid in its entirety for a fixed period. The sending to the user an alert that the valid parking period is about to expire, in Ho, is not the same as displaying "on a display of the mobile station

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during ongoing parking in real time at least a sum of the accrued parking fee to be charged after the parking is concluded", as recited in Applicants' amended independent claim 1.

According to Applicants' invention, the user can actively view (and keep track of), at any time, in real time, the amount of parking fees being accrued. With this information, the user can decide to return to the parking facility and pay the accrued fees at any time based on the amount accrued (i.e., paying only for the time used), or leave his car parked and continue to allow the parking fees to accrue (i.e., extending the time parked). In other words, in the practice of the method of Applicants' amended independent claim 1, a user of a vehicle remains, throughout the time that the vehicle is parked, in total control of the amount that he will pay in parking fees. In contrast, with the device of Ho, the user pays a fixed fee and is only alerted when that pre-paid parking time is about to expire. Thus, a user of the device of Ho must pay a fixed amount, and is only made aware that the pre-paid amount has been expended when he receives an alert that the approved parking period is about to expire.

Stated another way, a user of Applicants' invention will park his car at a parking facility and receive tariff information on the user's mobile station. The user of Applicants' invention can then depart the parking facility and attend to his business. During the time that the user is away from the parking facility, the user can use his mobile station to access in real time the parking fee thus far accrued, which is calculated based on the tariff and the time that the user's car has actively been parked at the parking facility. At any point in time, the user of Applicants' invention can decide to retrieve his car if the parking fee has reached a limit that the user is willing to pay.

In contrast, a user of the device of Ho would park his car at a parking facility and communicate using the keyboard of Ho with a remote central parking service provider via radio

data network channels to demand a predetermined parking period. The parking service provider would check the authenticity of the demand and approve the parking request, and the user would pre-pay a fixed amount of money for a predetermined period of time (e.g., 4 hours) to park at the parking facility. The device of Ho, which stays in the user's car, would indicate to any patrolling parking attendant via a lit LED that the user's car is validly parked (i.e., still within the pre-paid time period). During the time that the user of the device of Ho is away from the parking facility, the user carries no device that calculates the parking fees accrued because no calculation needs to be made since the fee was pre-paid and no parking fees actually "accrue". Thus, the device of Ho does not provide an inherent indication of "accrued" parking fees. The device of Ho will only notify the user that the pre-paid parking time is about to expire. The user of the device of Ho has no way of checking in real time (e.g., every hour) what the "accrued" parking fees are. Further, there would be no reason for a user of the device of Ho to check the accrued parking fee because the user already knows what the fee is since it was pre-paid. Moreover, the only calculation involved with the device of Ho would occur if the user returned before expiration of the pre-paid parking time period and was due a refund. In this case, the user of the device of Ho has no way of checking in real time how much time has elapsed in the pre-paid parking time period. The only notification the user of the device of Ho receives is when the pre-paid time period is about to expire. Moreover, should the payment method for the parking time period be a current credit and billing arrangement rather than a pre-paid payment card, the device of Ho still involves paying for a fixed amount of time in advance since the device in the user's care must still indicate to a parking attendant that the user's car is validly parked via a lit LED. This only occurs if the parking time period has already been paid for.

The Examiner still further states that a user of the device of Ho can apply for an extension of the approved parking time, which inherently is keeping track of the remaining parking time and the accrued parking fee based on the user's credit and billing arrangements.

Although a user of the device of Ho can extend the approved parking time, this is not the same as Applicants' device for keeping track of and displaying, in real time, accrued parking fees. Applicants' device allows the user to see in real time the currently accrued parking fees that the user must pay. In contrast, with the device of Ho, the user only knows that a valid parking time period has expired and that he must either purchase another time period or his car will be invalidly parked. After the user of the device of Ho purchases an extension of the parking time period, the user then simply knows the total amount that he has spent. There is no real-time accrual of parking fees to be paid and thus no accrual of fees to calculate. Further, the user of the device of Ho has no idea how much time is left in the parking time period until the time period is about to expire, which is when the user receives the only notification.

Finally, the device of Ho <u>requires</u> that the user apply for an extension of the approved parking time if the user wishes to park beyond the originally approved parking time. Applicants' recited invention has no such requirement. The user of Applicants' invention simply lets the parking fee accrue to an amount he is willing to pay, when he then returns to the parking facility and pays that amount. The user can decide how long he wants to park by deciding, as the time proceeds, how much he is willing to pay. The time period for parking with Applicants' device is open ended.

In view of the foregoing, Applicants submit that Ho fails to teach or suggest the subject matter recited in Applicants' amended independent claim 1. Specifically, Ho fails to teach or suggest "activating an application utilizing the application data in the mobile station of the user

to utilize the tariff to calculate an accrued parking fee and to display on a display of the mobile station during ongoing parking in real time at least a sum of the accrued parking fee to be charged after the parking is concluded and remaining parking time, if the expiration time has been defined", as recited in Applicants' amended independent claim 1.

Claims 2-4 and 13-14, which depend directly or indirectly from independent claim 1, incorporate all of the limitations of independent claim 1 and are therefore deemed to be patentably distinct over Ho for at least those reasons discussed above with respect to independent claim 1.

Independent claims 5, 9, and 11 have been amended to recite limitations similar to those present in amended independent claim 1, and are therefore deemed patentable over Ho for at least the reasons discussed above with respect to independent claim 1.

Claims 6-8, 10, 12, and 15, which variously depend directly or indirectly from independent claims 5, 9, and 11, incorporate all of the limitations of the respective independent claim and are therefore deemed to be patentably distinct over Ho for at least those reasons discussed above with respect to independent claims 5, 9, and 11.
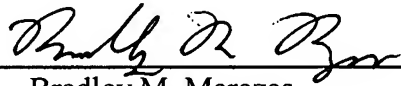
Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of all outstanding rejections, and the allowance of all pending claims, in due course.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is invited to telephone the undersigned in order to facilitate an early resolution of any outstanding issues.

Respectfully submitted,

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